

REMARKS/ARGUMENTS

Claims 1-3, 5-7, 9-14, 16-18 and 20-21 are pending in the application. Claims 4, 8, 15 and 19 have been cancelled without prejudice or disclaimer.

In the outstanding Office Action there was an objection to the drawings. It is stated in the Office Action that reference sign 45 is not described in the present specification. The specification has been amended to obviate this objection. Therefore, withdrawal of the objection is respectfully requested.

Claims 1-17 were rejected under 35 U.S.C. §112, first paragraph. It is stated that the claims recite the feature of a light source capable of emitting of at least one beam of light having known emission intensities corresponding to a plurality of infrared visible and ultraviolet spectra. It is suggested in the outstanding Office Action that changing the word "and" to --or-- would obviate the rejection. The Examiner is thanked for the suggested amendment to the claims. The claims have been amended in accordance with the Examiner's suggested amendments. Therefore, withdrawal of the rejection is respectfully requested.

Claims 1-12 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. It is stated in the Office Action that the term "capable" renders the claim indefinite because it is unclear whether the limitations following the term are part of the claimed invention. Claim 1 has been amended to eliminate the term capable. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-3 rejected under 35 U.S.C. §102(b) as being anticipated by *Johnson* (U.S. Patent No. 5,343,043). *Johnson* fails to disclose the invention as now recited in amended claim 1. Claim 1 has been amended to include the features recited in Claims 4 and 8. It is admitted in

the outstanding Office Action that *Johnson* does not anticipate claim 4, 15 or 19. Therefore, withdrawal of the rejection is respectfully requested.

Claims 1, 8-14 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by *Johnson*. Claim 1 has been amended to include the features of dependent claim 4 and independent claim 14 has been amended to include the features recited in dependent claim 15 and claim 18 has been amended to include the features recited in claim 19. It is admitted in the outstanding Office Action that *Johnson* does not disclose the features as recited in claim 4, 15 or 19. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 6, 7, 9, 14, 15 and 18-20 were rejected under 35 U.S.C. §102(b) as being anticipated by *Stedman et al* (U.S. Patent No. 5,401,967). Reconsideration and withdrawal of the rejection are respectfully requested. It is admitted in the outstanding Office Action that *Stedman et al* fails to disclose the features recited in dependent claim 8. Independent claims 1, 14 and 18 have been amended to include the features recited in claim 8. Therefore, withdrawal of the rejection is respectfully requested.

Claims 4 and 5 were rejected under 35 U.S.C. §103 as being unpatentable over *Stedman et al* in view of *Cerni et al*. Reconsideration and withdrawal of the rejection are respectfully requested.

The combination of *Stedman et al* and *Cerni et al* fail to teach or suggest all the features as recited in independent claim 1 which includes the features recited in claims 4 and 8.

The invention as recited in independent claim 1 includes “a filter wheel positioned to spin about an axis and receive the beam from the first light source and pass the beam to the reflection unit in pulses” and also the feature of “a reflector wheel positioned to spin about an axis and

receive the beam from the reflection unit and direct infrared component of the beam to the detection unit in pulses.”

None of the cited references teach or suggest using both the filter wheel and the reflector as recited in the claims.

Stedman et al at best discloses a filter wheel 27 that reflects light beams to detectors 35.

It is argued in the Office Action that *Cerni et al* combined with *Stedman* would disclose using a filter wheel to reflect the beams from the mirror to the detectors.

The combination of *Stedman et al* and *Cerni et al* fails to disclose a filter wheel that filters beam 15 **before** it reflects off reflector 34 on to reflector wheel 27 (See Fig. 11 of *Stedman et al*) as recited in claim 1 (“a filter wheel positioned to spin about an axis and **receive** the beam from the first light source and **pass the beam to the reflection unit in pulses** and a **reflection wheel** positioned to spin about an axis and **receive** the beam from the **reflection unit**”). Instead the combination of *Stedman et al* and *Cerni et al* discloses the filter wheel receiving light reflected from the reflector wheel 27. There is no disclosure in *Stedman et al* or *Cerni et al* of filtering beam 15 before the beam reflects off reflector 34 as now recited in claim 1 of the present application. In view of the foregoing, withdrawal of the rejection is respectfully requested.

Claims 16, 17 and 21 were rejected under 35 U.S.C. §103 as being unpatentable over *Stedman et al* in view of *Lord et al* (U.S. patent No. 6,455, 851). Reconsideration and withdrawal of the rejection are respectfully requested. Claims 16, 17 and 21 are ultimately dependent on independent claims 1, 14 and 18 respectively and therefore include all the features recited in those claims for the reasons stated above with respect to the rejection of independent claims 1, 14 and 18. It is respectfully submitted that dependent claims 16, 17 and 21 are

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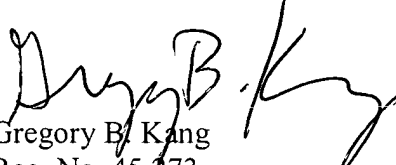
patentable over the cited references for at least the same reasons as discussed with respect to the independent claims. In view of the foregoing withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not time filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

BAKER & HOSTETLER LLP


Gregory B. Kang
Reg. No. 45,273

Date: November 12, 2003
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783